

Chapter 5.67**NON-CONSENSUAL MOTOR VEHICLE TOWING SERVICE**

(3480-1/01)

Sections:

- 5.67.010 Scope of chapter
- 5.67.010 Towing operation defined
- 5.67.030 Rates and charges

5.67.010 Scope of chapter. The provisions of this chapter shall apply to all persons and businesses providing nonconsensual vehicle tow service pursuant to California Vehicle Code Sections 22658 and 22953, and similar successor statutes which is not directed by the Huntington Beach Police Department or other law enforcement agency whether established before or after the effective date hereof.

5.67.020 Towing operation defined.

- (a) As used in this chapter, "towing operation" means the activity of towing and storing of vehicles, and the performance of other services incident thereto, for compensation within the City of Huntington Beach, without the implied or express consent or knowledge of the owner(s) of the vehicle pursuant to California Vehicle Code Section 22658(a)[illegal parking on private property] and Section 22953(b)[illegal parking within 15 feet of a fire hydrant, in a fire lane, or in a stall designated for disabled person parking] and related and successor statutes, and which is not directed by the Huntington Beach Police Department.
- (b) The provisions of this Chapter shall not apply to any other towing operation, including, but not limited to, towing operations:
 - (1) That provides tow service exclusively to members of an association, automobile club or similar organization, and receives remuneration only from the sponsoring association, automobile club or similar organization; (3480-1/01)
 - (2) That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing tow service;
 - (3) That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a nonprofit basis or said fee is a part of the rent or lease agreement or contract;
 - (4) That provides exclusively consensual, nonemergency towing assignments which include towing of vehicles that have been involved in a collision, but have been removed from the scene; that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. All non-emergency towing assignments require authorization from the registered owner, legal owner, driver, or other person in control of such vehicle.
 - (5) That provides tow service which is directed by the Huntington Beach Police Department pursuant to Huntington Beach Municipal Code Section 5.66.

5.67.030 Rates and charges.

- (a) Pursuant to California Vehicle Code Section 22658(i) and (j) the City Council of the City of Huntington Beach shall establish by Resolution rates and charges for all towing operations.
- (b) No tow fee charged shall be higher than the fees authorized by Resolution of the City Council.

